

FILED
U.S. DISTRICT COURT
DISTRICT OF COLO.
JAN 10 2005
DENVER, CO

EXHIBIT A

**Commonwealth of Massachusetts
WORCESTER SUPERIOR COURT
Case Summary
Criminal Docket**

Commonwealth v Leo, Anthony M

Details for Docket: WOCR2002-00830

Case Information

Docket Number:	WO CR2002-00830	Caption:	Commonwealth v Leo, Anthony M
Entry Date:	06/13/2002	Case Status:	Crim 1 (204 Worcester)
Status Date:	06/26/2003	Session:	Active
Lead Case:	NA	Deadline Status:	Deadline act
Trial Deadline:	06/17/2002	Jury Trial:	NO

Parties Involved

3 Parties Involved in Docket: WOCR2002-00830

Party Involved:		Role:	Defendant
Last Name:	Leo	First Name:	Anthony M
Address:	5 Paul Tivnan Road	Address:	
City:	West Boylston	State:	MA
Zip Code:	01583	Zip Ext:	
Telephone:			
Party Involved:		Role:	Plaintiff
Last Name:	Commonwealth	First Name:	
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			
Party Involved:		Role:	Police agency
Last Name:	Worcester Police Department	First Name:	
Address:		Address:	

City:
Zip Code:
Telephone:

State:
Zip Ext:

Attorneys Involved

6 Attorneys Involved for Docket: WOCR2002-00830

**Attorney
Involved:**

Last Name: Cronin
Address: PO Box 676
City: Lunenburg
Zip Code: 01462
Telephone: 978-582-0700
Fascimile: 978-582-9997

Firm Name:

First Name: Daniel W
Address: 31 Turkey Hill Road
State: MA
Zip Ext:
Tel Ext:
Representing: Leo, Anthony M (Defendant)

**Attorney
Involved:**

Last Name: Reilly III
Address: 2 Main Street
City: Worcester
Zip Code: 01608
Telephone: 508-755-8601
Fascimile: 508-831-9899

Firm Name:

First Name: Joseph J
Address: Courthouse Room 220
State: MA
Zip Ext: 1176
Tel Ext:
Representing: Commonwealth, (Plaintiff)

**Attorney
Involved:**

Last Name: Roemer
Address: 340 Main Street
City: Worcester
Zip Code: 01608
Telephone: 508-791-9288
Fascimile: 508-753-7662

Firm Name:

First Name: John
Address: Room 724
State: MA
Zip Ext: 1601
Tel Ext:
Representing: Leo, Anthony M (Defendant)

**Attorney
Involved:**

Last Name: Goggins
Address: 47 Harvard Street

Firm Name:

First Name: FISH03
Address: John M

City: Worcester **State:** MA
Zip Code: 01609 **Zip Ext:** 2876
Telephone: 508-791-3466 **Tel Ext:** 5088
Fascimile: **Representing:** Leo, Anthony M (Defendant)

Attorney Involved: **Firm Name:** GLIC01
Last Name: Gribouski **First Name:** James J
Address: 11 Harvard Street **Address:** PO Box 2917
City: Worcester **State:** MA
Zip Code: 01613 **Zip Ext:** 2917
Telephone: 508-756-6206 **Tel Ext:**
Fascimile: 508-831-0443 **Representing:** Leo, Anthony M (Defendant)

Attorney Involved: **Firm Name:**
Last Name: LoConto **First Name:** Christopher P
Address: 120 Main Street **Address:**
City: Worcester **State:** MA
Zip Code: 01608 **Zip Ext:** 1170
Telephone: 508-795-1300 **Tel Ext:**
Fascimile: 508-791-7300 **Representing:** Leo, Anthony M (Defendant)

Calendar Events

43 Calendar Events for Docket: WOCR2002-00830

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	06/17/2002	09:00	Arraignment	1	Event held as scheduled
2	07/16/2002	09:00	Conference: Pre-Trial	1	Event not held--joint request
3	07/18/2002	09:00	Conference: Status Review	1	Event held as scheduled
4	10/21/2002	09:00	Conference: Status Review	1	Event held as scheduled
5	11/14/2002	09:00	Hearing: Non-evidentiary-Counsel	1	Event held as scheduled
6	11/22/2002	09:00	Conference: Status Review	1	Event rescheduled by court prior date
7	12/09/2002	09:00	Conference: Status Review	1	Event held as scheduled
8	12/19/2002	09:00	Conference: Status Review	1	Event held as scheduled
9	01/10/2003	09:00	Conference: Pre-Trial	1	Event held as scheduled

10	02/10/2003	09:00	Conference: Pre-Trial	1	Event held as scheduled
11	02/19/2003	09:00	Conference: Pre-Trial	1	Event held as scheduled
12	03/20/2003	09:00	Conference: Pre-Trial	1	Event held as scheduled
13	05/22/2003	09:00	Bail: Review	1	Event held as scheduled
14	06/04/2003	09:00	Conference: Pre-Trial	1	Event rescheduled by court prior date
15	06/23/2003	09:00	Conference: Status Review	1	Event held as scheduled
16	07/17/2003	09:00	Conference: Status Review	1	Event held as scheduled
17	08/28/2003	09:00	Conference: Status Review	1	Event held as scheduled
18	09/12/2003	09:00	Conference: Status Review	1	Event held as scheduled
19	10/30/2003	09:00	Hearing: Non-evidentiary-Counsel	2	Event held as scheduled
20	10/31/2003	09:00	Hearing: Motion	1	Event held as scheduled
21	11/10/2003	09:00	Hearing: Evidentiary-suppression	1	Event rescheduled by court prior date
22	12/10/2003	09:00	Hearing: Motion	1	Event held as scheduled
23	12/16/2003	09:00	Hearing: Motion	1	Event held as scheduled
24	01/15/2004	09:00	Conference: Status Review	1	Event held as scheduled
25	01/15/2004	09:00	Conference: Status Review	1	Event held as scheduled
26	02/26/2004	09:00	Hearing: Evidentiary-suppression	1	Event canceled not re-scheduled
27	02/26/2004	09:00	Hearing: Non-evidentiary-Counsel	1	Event held as scheduled
28	04/07/2004	09:00	TRIAL: by jury	1	Event canceled not re-scheduled
29	04/12/2004	09:00	Conference: Pre-Trial	1	Event held as scheduled
30	04/13/2004	09:00	Hearing: Non-evidentiary-Counsel	1	Event held as scheduled
31	05/14/2004	09:00	Conference: Status Review	1	Event held as scheduled
32	06/11/2004	09:00	Conference: Status Review	1	Event held as scheduled
33	07/23/2004	09:00	Conference: Pre-Trial	1	Event held as scheduled
34	09/16/2004	09:00	Hearing: Evidentiary-suppression	1	Event not reached by Court
35	10/01/2004	09:00	Hearing: Evidentiary-suppression	1	Event rescheduled by court prior date
36	10/07/2004	09:00	Hearing: Evidentiary-suppression	1	Event canceled not re-scheduled
37	10/07/2004	09:00	Hearing: Non-evidentiary-Counsel	1	Event held as scheduled
38	11/05/2004	09:00	Hearing: Evidentiary-suppression	1	Event not held--req of Defender
39	12/02/2004	09:00	Hearing: Evidentiary-suppression	1	Event continues over multiple days
40	12/17/2004	09:00	Bail: Review	1	Event not held--joint request
41	12/21/2004	09:00	Bail: Review	1	Event moved to another session

42	12/21/2004	09:00	Bail: Review	2	Event held as scheduled
43	02/03/2005	14:00	Hearing: Evidentiary-suppression	1	

Full Docket Entries

107 Docket Entries for Docket: WOCR2002-00830

Entry Date:	Paper No:	Docket Entry:
06/13/2002	1	Indictment returned
06/17/2002		Deft arraigned before Court (Donohue,J)
06/17/2002		Committee for Public Counsel Services appointed
06/17/2002		Legal counsel fee assessed: \$100.00
06/17/2002		RE Offense 1:Plea of not guilty
06/17/2002		RE Offense 2:Plea of not guilty
06/17/2002		RE Offense 3:Plea of not guilty
06/17/2002		RE Offense 4:Plea of not guilty
06/17/2002		RE Offense 5:Plea of not guilty
06/17/2002		RE Offense 6:Plea of not guilty
06/17/2002		RE Offense 7:Plea of not guilty
06/17/2002		RE Offense 8:Plea of not guilty
06/17/2002		Bail set: \$5,000.000.00 with surety or \$500,000.00 without prejudice (Donohue,J)
07/18/2002	3	ORDERED: that the Defendant submit to the taking of a specimen
07/18/2002	3	consisting of a sample of whole blood from his person for the purpose
07/18/2002	3	of comparative analysis by the Department of State Police Crime
07/18/2002	3	Laboratory or Cellmark Diagnostics. It is further ordered that the
07/18/2002	3	above-described procedure by performed in a forensically acceptable
07/18/2002	3	manner by an individual certified in the DNA collection kits. (Leila
07/18/2002	3	Kern, Justice)
07/18/2002	2	Motion by Commonwealth: For Blood Sample - ALLOWED (Kern,J)
07/18/2002		After hearing same bail (Kern,J)
09/09/2002	4	Motion by Deft: to Dismiss Appointed Counsel and to Appoint New
09/09/2002	4	Counsel
11/04/2002	5	Motion by Deft: for Disclosure of Follow-Up Investigations
11/14/2002		RE: Paper #4:Motion by Deft: to dismiss appointed counsel and to
11/14/2002		appoint new counsel; After hearing, no action taken given court's
11/14/2002		allowance of counsel's motion to withdraw on 11/14/02. (John
11/14/2002		S.McCann, J.)
11/14/2002	6	Withdrawal of appearance requested by John Roemer by written motion

11/14/2002	6	with accompanying affidavit filed in court.
11/14/2002		Motion (P#6) allowed (John S. McCann, Justice). Parties notified in
11/14/2002		open court.
11/14/2002		Appointment of Counsel John M Goggins
03/20/2003	7	Motion by Deft: for funds for a forensic psychiatric evaluaton filed
03/20/2003	7	in court. Allowed by the Court. John S. McCann, Justice.
03/28/2003	8	Deft files motion for funds - Allowed (Goggins,J)
04/03/2003	9	Court Reporter Rattigan, Linda is hereby notified to prepare one copy
04/03/2003	9	of the transcript of the evidence of July 18, 2003.
04/22/2003		Transcript of testimony received volumes # 1 Bail hearing from court
04/22/2003		reporter, Rattigan, Linda
05/22/2003	10	Motion by Deft: To Revisit the Issue of Bail - DENIED - Declined to
05/22/2003	10	Act - No Change in Circumstances (Sweeney,J) - copy sent 5/22/03
05/22/2003	12	Motion by Deft: Motion For Funds - ALLOWED (Sweeney,J)
05/22/2003	11	NOTICE of APPEAL FILED by Anthony M Leo
06/19/2003	13	Notice of Docket Entry from Supreme Judicial Court for Suffolk
06/19/2003	13	county - Your are hereby notified that on June 18, 2003, the
06/19/2003	13	following was entered on the docket of SJ-2003-0258 JUDGMENT:
06/19/2003	13	denying relief under c211 s3 after a hearing (Sosman,J) (See Judgment)
06/26/2003	14	Notice of Entry of appeal received from the Supreme Judicial Court
08/01/2003	15	Deft files Motion for funds (pharmacologist and toxicologist
08/01/2003	15	evaluation)
08/01/2003		Motion (P#15) allowed in an amount not to exceed \$1500.00 at the
08/01/2003		authorized CPCS rate (Ralph D. Gants, Justice).
10/31/2003	16	Motion by Deft: for Funds and Affidavit , filed in Court and
10/31/2003	16	IMPOUNDED by the Court (McCann, J)
10/31/2003	17	Motion by Deft: to Impound Motion for Funds and Affidavit in Support,
10/31/2003	17	filed in Court
10/31/2003		Motion (P#17) allowed (John S. McCann, Justice). Counsel present
12/10/2003	18	Motion by Deft: to Impound
12/16/2003	19	Motion by Deft: NEW MOTION TO IMPOUND
12/16/2003	20	Motion by Deft: MOTION FOR FUNDS FOR A FORENSIC PSYCHIATRIST
12/16/2003	20	(IMPOUNDED)
12/16/2003		Hearing on (P#19 & 20) motion to impound and motion for funds held,
12/16/2003		matter taken under advisement (Fahey,J.)
12/16/2003		Motion (P#19) allowed, After hearing and consideration, this motion
12/16/2003		to impound is allowed, good cause hearing been shown (Elizabeth M.
12/16/2003		Fahey, Justice). Copies mailed December 16, 2003
12/16/2003		Motion (P#20) allowed up to \$2,800.00 ie up to \$350.00 per hour up to
12/16/2003		eight hours (Elizabeth M. Fahey, Justice). Copies mailed December 16,
12/16/2003		2003

12/16/2003		Papers #18,19,20 are impounded in locked cabinet
01/15/2004	21	Motion by Deft: Motion to continue for a status conference
02/12/2004	22	Deft files motion to suppress evidence obtained from warrantless
02/12/2004	22	search with memorandum in support of
02/12/2004	23	Deft files motion to suppress evidence obtained with invalid search
02/12/2004	23	warrant and affidavit in support of
02/26/2004	24	Withdrawal of appearance filed by John M Goggins with affidavitt in
02/26/2004	24	support of - Allowed after hearing (Agnes,J)
02/26/2004		Appointment of Counsel Daniel W Cronin, pursuant to Rule 53
04/12/2004	25	Withdrawal of appearance requested by Daniel W Cronin
04/12/2004		Motion (P#25) denied w/o prejudice (Jeffrey A. Locke, Justice).
04/12/2004	26	Remand order to Worcester House of Correction
04/13/2004		Motion (P#25) allowed after hearing (Jeffrey A. Locke, Justice).
04/13/2004		Copies mailed April 14, 2004
04/13/2004	27	Appearance of Deft's Atty: James J Gribouski
06/11/2004	28	Defendant's files in court Motion to Impound Motion for funds for a
06/11/2004	28	forensic psychiatrist with supporting affidavit.
06/11/2004		Motion (P#28) allowed without prejudice (Isaac Borenstein, Justice).
06/11/2004		Counsel present June 11, 2004
06/11/2004	29	Motion by Deft: filed in court. Motion for funds for forensic
06/11/2004	29	psychiatrist and supporting affidavit.
06/11/2004		Motion (P#29) allowed (Isaac Borenstein, Justice). Copies mailed June
06/11/2004		11, 2004
10/07/2004	30	Motion to Withdraw of appearance requested by James J Gribouski -
10/07/2004	30	ALLOWED (Fishman,J.)
10/07/2004		Appointment of Counsel Christopher P LoConto, pursuant to Rule 53
12/02/2004		Defendant's oral motion for transcript
12/02/2004		Motion allowed (Timothy S. Hillman, Justice).
12/02/2004	31	ORDERED: for Court Reporter Claire Pender to prepare transcript of
12/02/2004	31	proceeding of 12/2/04 (Timothy S. Hillman, Justice)
12/02/2004	32	Deft files motion to revisit the issue of bail pursuant to M.G.L.c.
12/02/2004	32	276, s 58, sixth paragraph under changed circumstances
12/21/2004		Motion (P#32) denied (Hillman., Justice). There being no change in
12/21/2004		the defendant's circumstances, the within motion is denied (copies
12/21/2004		mailed)

Charges

8 Charges for Docket: WOCR2002-00830

No.	Charge Description:	Indictment:	Status:
1	LARCENY FROM BUILDING c266 s20		Plea of not guilt
2	RAPE, AGGRAVATED c265 s22(a)		Plea of not guilt
3	RAPE, AGGRAVATED c265 s22(a)		Plea of not guilt
4	RAPE, AGGRAVATED c265 s22(a)		Plea of not guilt
5	B&E DAYTIME FOR FELONY, PERSON IN FEAR c266 s17		Plea of not guilt
6	LARCENY FROM BUILDING c266 s20		Plea of not guilt
7	RAPE, AGGRAVATED c265 s22(a)		Plea of not guilt
8	B&E DAYTIME FOR FELONY c266 s18		Plea of not guilt

© Copyright, Massachusetts Administrative Office of the Trial Court, 2000 - 2001.



Trial Court Information Center

[Home](#) » [County Inquiry](#) » [Criminal Party Search](#) » [Search Results](#) » [Docket Details](#) » [Docket Entries](#) » [Entry Te](#)

Commonwealth v Leo, Anthony M

Docket Entry Details for Docket: WOCR2002-00830

No. Docket Entry:

- 1 Motion (P#32) denied (Hillman., Justice). There being no change in
- 2 the defendant's circumstances, the within motion is denied (copies
- 3 mailed)

**Docket
Details:**

Parties

Attorneys

Docket Entries

Calendar Events

Charge:

Print Doc

Massachusetts Administrative Office of the Trial Court
© Copyright, 2000-2001
» [Logout](#)

[Term](#)
System data reflects current

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
ANTHONY LEO,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 04-11006-JLT
)	
COMMONWEALTH OF)	
MASSACHUSETTS,)	
)	
Respondent.)	
_____)	

AFFIDAVIT OF JOSEPH J. REILLY, III, ESQ.

Commonwealth of Massachusetts
Worcester, ss.

1. I am currently employed as an Assistant District Attorney in the Office of the District Attorney for Middle District (covering almost the entirety of Worcester County). In this capacity, I am the Assistant District Attorney responsible for the prosecution of Anthony Leo (the defendant) in Worcester Superior Court Criminal Case No. WOCR2002-00830. I am familiar with the facts and circumstances of this criminal prosecution.

2. Since the inception of this criminal proceeding, the defendant has never, to the best of my knowledge, made motion for speedy trial (or for a trial date) in state court.

3. The Commonwealth has acted promptly and in good faith to fulfill its obligations with respect to the prosecution of this case. The delay in setting a trial date in the defendant's case is not due to any act or omission on the part of the

Commonwealth, but instead is due to the fact that the defendant has been represented by numerous attorneys and has filed numerous motions in this case.

4. The relevant facts regarding the pre-trial proceedings in this case are as follows: the defendant was indicted on criminal charges on June 13, 2002. On June 17, 2002, he was arraigned on those charges in Worcester Superior Court. On July 18, 2002, the defendant was ordered to provide a sample for purposes of DNA testing. In early December 2002, the Commonwealth received the results of the DNA testing in this case. I promptly provided this information to defense counsel.

5. By February 14, 2003, the Commonwealth had fully complied with all discovery obligations with respect to the criminal case. Since that time, the Commonwealth has been ready to proceed to trial. By contrast, I have never received any reciprocal discovery from the defendant's attorneys.

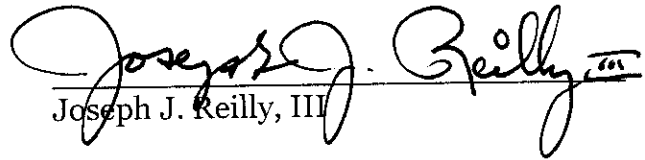
6. As the docket sheet in the criminal case reflects, the defendant has filed numerous motions since the beginning of this case. These motions have been a cause of delay of the criminal court proceedings.

7. The criminal trial has also been delayed by the fact that the defendant has been represented by five (5) different attorneys in Superior Court. The first attorney to represent the defendant in Superior Court was removed from the case after he and the defendant both moved for his removal.

8. Each of the other attorneys who have represented the defendant in Superior Court (prior to the defendant's current counsel) has moved to withdraw from representation of the defendant. To the best of my knowledge, the defendant has not objected to the withdrawal of any of these attorneys. Indeed, on every occasion on which a Superior Court judge reminded the defendant that allowing his attorney to

withdraw could delay the criminal case, the defendant has indicated that he assented to his attorney's withdrawal, regardless of the delay.¹

Signed under the penalties of perjury,


Joseph J. Reilly, III

Dated: December 17, 2004

On this 17th day of Dec., 2004, the undersigned notary public, personally appeared Joseph J. Reilly, III, proved to me through satisfactory evidence of identification, which were personal knowledge to be the person whose name is signed on the preceding or attached document in my presence.



Sandra L. Hautanen
Notary Public
My Commission Expires:
January 7, 2011

¹ The transcripts of the hearings on the motions to withdraw have not, to the best of my knowledge, been prepared and are not available at this time.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1598

THOMAS F. REILLY
ATTORNEY GENERAL

(617) 727-2200
www.ago.state.ma.us

January 3, 2005

Via First Class Mail

Clerk of Courts
United States District Court,
District of Massachusetts
John Joseph Moakley U.S. Courthouse
One Courthouse Way
Boston, Massachusetts 02210

Re: Anthony Leo v. Commonwealth of Massachusetts
Civil Action No. 04-11006-JLT

Dear Sir or Madam:

Enclosed for filing please find Exhibits A and B to the respondent's Memorandum of Law In Opposition to Petition for Writ of Habeas Corpus. The Memorandum itself was electronically filed with the Court earlier today.

Please do not hesitate to contact me if you have any questions regarding the enclosed. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script that reads "Maura D. McLaughlin".

Maura D. McLaughlin